

**REGULAR MEETING AND PUBLIC HEARING
OF THE CITY OF FALLS CHURCH PLANNING COMMISSION
1 FEBRUARY 2010
COUNCIL CHAMBER**

1. CALL TO ORDER: Immediately following a joint worksession with the City Council on a Special Exception application for 350 South Washington Street, Chair Lawrence called the meeting to order at 8:08 PM.

2. ROLL CALL:

Members Present: Ms. Hockenberry
Mr. Lawrence
Mr. Meeks
Ms. Rodgers
Ms. Teates
Mr. Wodiska

Member Absent: Mr. Kearney

Administrative Staff Present: Ms. Cotellessa, General Manager of Development Services and Planning Director

3. ADOPTION OF AGENDA: Ms. Teates moved, and Ms. Hockenberry seconded, to adopt the Agenda as presented. The motion passed on voice vote.

4. PLANNING COMMISSION REPORTS: None.

5. RECEIPT OF PETITIONS: Mr. Medi Namini, owner of Atlantic Stone Center located at 300 South Washington Street, expressed his 100 percent support for the application to provide housing for seniors at 350 South Washington Street.

6. PLANNING DIRECTOR'S REPORT: Ms. Cotellessa noted that the January monthly report would be distributed in the Commission's next package. She reported that a choice of two dates had been provided for a Planning Commission retreat, however, she had not received any responses. After discussion, the Planning Commission agreed to hold its retreat on Saturday, February 27 at the Northern Virginia Regional Park Authority Headquarters from 9 AM until 1 PM. Ms. Cotellessa reported that she is awaiting a response from the Economic Development Authority concerning a mutually convenient date for a joint meeting with the Planning Commission.

Ms. Cotellessa advised that the Planning Commission has a number of items before it in the next several weeks concerning the Capital Improvements Program (CIP),

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44 joint worksessions with the City Council and the School Board on budget issues, and
45 the 350/360 South Washington Street project (The Wilden).

46
47 In response to questions from Ms. Hockenberry, Ms. Rodgers advised that the
48 Zoning Ordinance Advisory Committee (ZOAC) had received Module 3 from the
49 contractor, but had held no meetings recently. Ms. Cotellessa stated that Module 3
50 is rather meaty and ZOAC comments on this package will be forwarded to the
51 consultant. She advised that there is an extensive staff effort underway to bring the
52 Zoning Ordinance changes proposed to the public for input. Ms. Cotellessa agreed
53 to address Ms. Hockenberry's questions about the impact of the Zoning Ordinance
54 Amendments on tonight's agenda on the Zoning Ordinance rewrite project when
55 those items are discussed.

56
57 **7. OLD BUSINESS:**

58
59 *A. Appointments of Planning Commissioners to Boards, Commissions and*
60 *Committees:*

61
62 Chair Lawrence made the following appointments for 2010; the only differences
63 from the 2009 appointments are Ms. Hockenberry is replacing Ms. Teates as liaison
64 to the Housing Commission and Mr. Wodiska is replacing Ms. Hockenberry as liaison
65 to the Tree Commission.

66
67 Architectural Advisory Board (Liaison): Mr. Kearney
68 Arts and Cultural Task Force (Member) [**Appointed by Council**]: Ms.
69 Hockenberry
70 Citizens' Advisory Committee on Transportation (Liaison): Mr. Wodiska
71 Economic Development Authority (Ex-Officio): Ms. Teates and Mr. Lawrence
72 (Alternate)
73 Historical Commission (Liaison): Mr. Meeks
74 Housing Commission (Liaison): Ms. Hockenberry
75 Library Board (Liaison): Mr. Lawrence
76 Advisory Board of Recreation and Parks (Member): Ms. Rodgers (2009-2010)
77 Rules of Procedure Committee (Members) [Chair, Vice Chair, and most
78 immediate past Chair]: Mr. Lawrence, Ms. Teates, and Ms. Rodgers
79 Tree Commission (Liaison): Mr. Wodiska
80 Watershed Advisory Committee [**Appointed by Council**]: Mr. Meeks
81 Zoning Ordinance Advisory Committee Falls Church Citizen Task Force
82 [**Appointed by Council**]: Ms. Rodgers

83
84 Mr. Meeks requested that his email address be forwarded to the Historical
85 Commission so that he is aware of when that Commission is meeting. Mr. Wodiska

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86 requested Ms. Cotellessa to provide an informational package on the background
87 and the work of the Tree Commission. She agreed to do so.

88
89 **8. NEW BUSINESS:**

90
91 **A. *(TR10-09) Resolution To Grant A Special Exception For Residential Development***
92 ***Within Mixed Use Projects Under Section 48-90 In A B-2, Central Business***
93 ***District On .64 Acres Of Land Located At 350 South Washington Street [FCHC***
94 ***Wilden]***

95
96 Ms. Cotellessa reported that the Planning Commission and the City Council had just
97 met in a joint worksession on this item. She announced that the applicant has
98 requested a deferral as they are now considering adding the property at 360 South
99 Washington Street to the application. Adjacent property owners were notified of the
100 original application and a public hearing was advertised for this evening. She
101 recommended that the public hearing be held and continued to a date certain to
102 avoid the expense of readvertising.

103
104 Chair Lawrence opened the public hearing, hearing no response, the item was
105 closed to the public.

106
107 **MOTION:** Ms. Teates moved, and Ms. Hockenberry seconded, to continue the public
108 hearing until March 15. The motion passed unanimously on roll call vote.

109
110 **B. *(TO10-03) Ordinance To Amend Chapter 48, Zoning, Of The Code Of The City***
111 ***Of Falls Church, Virginia, By Adding A New Section 48-455(3), Special***
112 ***Exceptions In The B-1, Limited Business District; Section 48-488(4), Special***
113 ***Exceptions In The B-2, Central Business District; And Section 48-523(3),***
114 ***Special Exceptions In The B-3, General Business District Uses; In Order To***
115 ***Allow By Special Exception, With Approval Criteria, Modifications To The Off-***
116 ***Street Parking And Loading Requirements.***

117
118 Ms. Cotellessa reported that the City Council gave first reading to this Ordinance on
119 January 11, the Planning Commission held a worksession on this item following its
120 January 19 meeting, and it is scheduled for a public hearing of the Commission this
121 evening. She reminded Commissioners that ordinances are used for Zoning
122 Ordinance text amendments, as required by state law and the City's Charter, and
123 are referred to the Planning Commission for a recommendation. This Ordinance has
124 also been referred to the Greater Falls Church Chamber of Commerce, the Citizens'
125 Advisory Committee on Transportation (CACT), and the Economic Development
126 Authority (EDA) for comment.

128 Ms. Cotellessa advised that adoption of this Ordinance would allow an applicant to
129 request modifications to parking and loading requirements at the beginning of an
130 application process, through a special exception with criteria for approval, rather
131 than at the end of the site plan approval process. The idea is to improve the
132 approval process through a flexible land use tool. She stated that staff needs to do
133 some work on this issue as the parking regulations in Module 3 did not change
134 significantly. Ms. Cotellessa advised that staff had completed a survey comparing
135 parking modifications permitted in several local jurisdictions; most of these
136 modifications are permitted legislatively.

137
138 Ms. Cotellessa stated that Council has reviewed the legislation proposed and
139 suggested that the text between lines 155 and 162, which are repeated for each of
140 the zoning districts proposed for modification, might not be needed. Criteria two
141 through five could be replaced with another sentence permitting modifications for
142 projects that advance the public interest and a list of examples that would be
143 considered.

144
145 Ms. Cotellessa indicated that comments on the legislation proposed have been
146 received from individual CACT members and comments from the EDA are expected
147 tomorrow. Staff recommends that the Planning Commission recommend to the City
148 Council approval of Ordinance TO10-03. She advised that Councilmember Snyder
149 suggested eliminating criteria items two through five as they are subjective. These
150 would be replaced with a new item two so that the project proposed addresses the
151 public interest in some way. Ms. Cotellessa noted that sample motions had been
152 provided to the Commission this evening.

153
154 In response to questions from Mr. Meeks, Ms. Cotellessa confirmed that this is an
155 ordinance that provides a framework by which the Commission and the Council may
156 review a request for parking modifications. The applicant would be required to
157 provide very detailed information on their parking requirements, to quantify that
158 their parking demand would be met, and how the community would benefit as a
159 result of their development.

160
161 In response to Ms. Rodgers's questions, Ms. Cotellessa noted that the five criteria
162 appear three times within the draft ordinance because adoption of Ordinance TO10-
163 03 would amend the Zoning Ordinance for three different zoning districts. The
164 Council referred this ordinance to the Planning Commission for recommendations
165 and provided suggested alternative language for the approval criteria. The Planning
166 Commission may make other suggestions for text changes with its recommendation,
167 if desired.

168
169 In response to questions from Ms. Hockenberry, Ms. Cotellessa reported that it will
170 be at least one year before the entire Zoning Code is revised and re-adopted. In the

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171 interim, adoption of this ordinance would address concerns expressed by the
172 Planning Commission at its 2009 retreat. If Council adopts the ordinance, then
173 decisions to approve, disapprove, or modify parking modifications would be
174 completed by a special exception prior to the Commission's consideration of a site
175 plan.

176
177 Ms. Hockenberry supported the concept of early approval of parking modifications
178 and noted that every project proposed has different quirks. She was concerned to
179 hear that the parking regulations proposed by the consultant for the Zoning Code
180 rewrite did not change significantly. Ms. Cotellessa concurred that Council and the
181 Commission must make value decisions on what might work in different areas of the
182 City. The attempt is to create contemporary parking and loading standards. Every
183 potential situation cannot be anticipated that would work for every development on
184 every site. However, it would be inappropriate to grant parking and/or loading
185 variances rather than trying to permit modifications with specific approval criteria.
186 Ms. Hockenberry supported retaining criteria two through five and expressed her
187 support for Councilmember Synder's suggestion.

188
189 Ms. Teates expressed her concern that adoption of this ordinance would complicate
190 the special exception process and supported dealing with parking/loading issues in
191 the Zoning Ordinance. She advised that if the City's Zoning Ordinance were more
192 flexible, then it would be easier for the City to deal with developers. Ms. Teates
193 suggested that the current parking requirements chart within the Zoning Code could
194 be consolidated into a reasonable number of categories, the parking ratios could be
195 changed to reflect the urban environment in which we live, and Ordinance TO10-03
196 could be modified to add text to add criteria that the project would add to the City's
197 cultural or economic value. She was uncertain if developers desired another special
198 exception route to achieve parking modifications. Ms. Teates advised that she
199 preferred to fix the current Zoning Ordinance rather than amending it with this
200 ordinance. Ms. Teates concurred with the code rewrite consultant that the special
201 exception process did not work well. She opined that if this ordinance moved
202 forward, then criteria two, four, and five should be deleted and criteria one, three,
203 and Councilmember Snyder's recommendation should be included.

204
205 Mr. Wodiska expressed his belief that the City's Zoning Ordinance clearly needed to
206 be altered. He stated that there will be future development examples where a
207 pressure valve will be needed. Mr. Wodiska advised that the text proposed would
208 give the Planning Commission flexibility and is clear in its intent. He suggested that
209 criteria two, three, four, and five were redundant as criteria one captures the intent
210 adequately. He agreed that the developer should be required to quantify the public
211 interest for each project proposed.

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213 Ms. Rodgers supported Ms. Teates's suggestions and noted that the text proposed
214 would not address problems that have occurred with by right developments. She
215 expressed her opinion that the language was too subjective without continuity in the
216 review process. Developers always hope for a good deal from the City. Ms.
217 Rodgers stated that she did not want this ordinance adopted. She noted that there
218 are parking problems throughout the City at various times of the day. Ms. Rodgers
219 supported changing the Zoning Code rather than providing another special
220 exception. She reported that some businesses have left the City due to a lack of
221 adequate parking and the lack of on-street parking. Ms. Rodgers stated that the
222 language proposed was too subjective.

223
224 Chair Lawrence agreed that the language proposed was subjective, it was not
225 technical and did not clarify parking modifications possibilities by adding more text.
226 He expressed his opinion that a developer could hire anyone to prove a particular
227 position. Mr. Lawrence did not support the criteria proposed for parking/loading
228 modifications by special exception.

229
230 Ms. Hockenberry noted that the ordinance proposed would address project
231 modifications at the beginning of the review process rather than at the end. She
232 supported consideration of requests for modifications, such as landscaping, at the
233 beginning of the review process and expressed her belief that that was the direction
234 in which the Planning Commission desired to move. Ms. Hockenberry noted that
235 last minute decisions were being made by the Commission after the developer had
236 spent a considerable amount of money to prepare plans.

237
238 Ms. Rodgers observed that the ordinance proposed addressed only special
239 exceptions and not by right developments. She reported that the ZOAC desires to
240 give developers more guidance early in the development process. Ms. Rodgers
241 supported having a goal for parking requirements that developers know in advance
242 and making the change now.

243
244 Ms. Cotellessa clarified that any project proposed that would not meet Code
245 requirements for parking and/or loading would use this special exception language if
246 all other components of the project are by right. The project itself might not be for
247 a special exception, but the review of a special exception for modification of
248 parking/loading standards would be concurrent with the site plan review. She
249 advised that a developer would not frivolously apply for such a special exception as
250 there is a large fee for that separate review. Ms. Cotellessa identified a recent
251 application that would benefit from this special exception process.

252
253 Ms. Teates expressed her belief that this modification would work well in the
254 existing Code. She supported a hybrid approach for adopting this concept – not just
255 with changes to the parking requirements chart or not just this language. Ms.

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256 Teates suggested that if the City had adopted this language earlier, then other
257 projects would have proceeded through the review processes more easily. She
258 agreed that landscape requirements had been problematic in the past.

259
260 Mr. Meeks supported the ordinance proposed through line 157, however he found
261 the criteria text confusing. He supported the intent to permit a developer to show
262 how parking needs for an individual project could be met. Chair Lawrence noted
263 that the ordinance appears very long because the criteria text is repeated in each of
264 the three business zoning districts. Mr. Meeks stated that there was an intellectual
265 gulf between a reduction in parking and a beneficial use to the City.

266
267 Chair Lawrence advised that he would be more sympathetic to Ms. Hockenberry's
268 comments if the entire site plan were submitted at one time rather than approving a
269 small piece of the development before all elements are considered. He did not want
270 to create a process where one small component was determined up front and
271 pretending that everything else would be okay during the review process. Ms.
272 Hockenberry suggested that tonight's discussion included the differences between
273 the existing Zoning Code and what is needed to make the City's Code appropriate
274 for an urban setting. She advised that this text amendment would give the City
275 another tool to consider a really creative project that could not be considered under
276 existing regulations.

277
278 Mr. Wodiska agreed with Ms. Hockenberry's comments. Information on parking is
279 essential to be considered in the beginning of the process; more flexibility is needed.
280 He believed that developers with unique situations would be provided flexibility early
281 in the review process. Mr. Wodiska expressed his belief that this ordinance is
282 needed in the interim period before the entire Zoning Ordinance is rewritten and
283 adopted. Ms. Teates concurred and stated that the parking chart and the text
284 needed to be adopted concurrently.

285
286 Chair Lawrence opened the item to the public. Hearing no response, the item was
287 closed to the public.

288
289 MOTION: Mr. Meeks moved, and Ms. Hockenberry seconded, that the Planning
290 Commission recommend to the City Council adoption of Ordinance TO10-03, an
291 ordinance to amend Chapter 48, Zoning, of the Code of the City of Falls Church,
292 Virginia, by adding a new Section 48-455(3), Special Exceptions in the B-1, Limited
293 Business District; Section 48-488(4), Special Exceptions in the B-2, Central Business
294 District; and Section 48-523(3), Special Exceptions in the B-3, General Business
295 District Uses; in order to allow by Special Exception, with approval criteria,
296 modifications to the off-street parking and loading requirements.

297
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298 Discussion:

299
300 Ms. Hockenberry noted that only six Commissioners were present this evening which
301 might be problematic if there were a tied vote. She suggested that if the motion
302 failed because it was tied, then perhaps there was another direction that the
303 Planning Commission could take to achieve more flexibility for developers. Mr.
304 Meeks announced that he was persuaded by Mr. Wodiska's comments regarding
305 having flexibility for parking requirements sooner rather than later.

306
307 Upon roll call vote, the vote was tied. Ms. Hockenberry, Mr. Meeks, and Mr.
308 Wodiska voted "yes" and Mr. Lawrence, Ms. Rodgers, and Ms. Teates voted "no".
309 Mr. Kearney was absent. Under the Planning Commission's Rules of Procedures any
310 vote that fails to achieve four votes in support is deemed as failed.

311
312 C. *(TO10-04) Ordinance To Amend Chapter 48, Zoning, Of The Code Of The City Of*
313 *Falls Church, Virginia, By Adding A New Section 48-1142(F) In Order To Provide*
314 *For An Administrative Site Plan Amendment Process To Allow The Planning*
315 *Director To Permit, With Approval Criteria, The Construction Or Modification Of A*
316 *Patio Or Attached Open Deck Or Porch In Site Planned Communities Where Such*
317 *Features Were Not Shown On The Approved Site Plan.*

318
319 Ms. Cotellessa noted that the Commission had considered this legislation at a
320 worksession and had heard a number of applications over the years for decks and
321 patios in planned multifamily developments. The current process is lengthy and
322 expensive for owners. Ordinance TO10-04 would create an administrative process to
323 permit the Planning Director to approve such applications that met the criteria in this
324 ordinance.

325
326 Chair Lawrence opened the item to the public, hearing no response, he closed the
327 item to the public.

328
329 MOTION: Ms. Teates moved, and Ms. Rodgers seconded that the Planning
330 Commission recommend to the City Council approval of Ordinance TO10-04, an
331 Ordinance to amend Chapter 48, Zoning, of the Code of the City of Falls Church,
332 Virginia, by adding a new section 48-1142(F) in order to provide for an
333 administrative site plan amendment process to allow the Planning Director to permit,
334 with approval criteria, the construction or modification of a patio or attached deck or
335 porch in site planned communities where such features were not shown on the
336 approved site plan.

337
338 Discussion:

Ms. Cotellessa advised that this ordinance was also referred to the Board of Zoning Appeals (BZA). She had heard from John Murphy, Chair of the BZA, inquiring whether the construction or modification of a patio, attached deck, or porch needed to meet other Zoning Code requirements. Ms. Cotellessa affirmed that a site plan amendment could have conditions of approval, including that the construction or modification met all other code requirements.

Mr. Wodiska suggested that the ordinance proposed be amended on Line 122 to change "his" to "the". The sentence would then read, "The Director shall be guided in the decisions by the standards below and may request modifications of a specific proposal in order that the proposal may comply with zoning ordinance standards and provided the following requirements are met:".

Upon roll call vote, Ms. Hockenberry, Mr. Lawrence, Mr. Meeks, Ms. Rodgers, Ms. Teates, and Mr. Wodiska voted "yes". Mr. Kearney was absent.

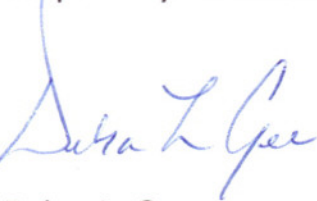
9. OTHER BUSINESS: None.

10. APPROVAL OF MINUTES: The minutes of January 19, 2010 were approved as amended.

11. ADJOURNMENT: The meeting adjourned at 9:18 PM. Immediately following the meeting, the Planning Commission met in a worksession to discuss the Capital Improvements Program (CIP) Fiscal Years 2011-2015.

Respectfully Submitted:

Noted and Approved:



Debra L. Gee
Recording Secretary



Suzanne M. Cotellessa, AICP
Planning Director

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